

REMARKS

Claims 10, 26 and 39 have been amended above to overcome the rejection under 35 U.S.C. §112, second paragraph.

Claims 1-3, 6, 8, 10-17, 19-20, 22-33, 35, 37, 39 and 41-46 were rejected under 35 U.S.C. §102(e) as being anticipated by Kahn et al. (US 2001/0050875 A1). Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kahn et al. (US 2001/0050875 A1) in view of Horvitz (US 2004/0236719 A1). Claim 21 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kahn et al. (US 2001/0050875 A1) in view of Schuster et al. (US 6,584,490). The examiner is requested to reconsider these rejections.

Claim 5 has been cancelled and its features have been added to claim 1. In view of section 10 of the last office action, claim 1, and the claims dependent upon claim 1, should now be in condition for allowance.

Claim 10 has been converted from a dependent claim into an independent claim. Claim 10 claims that the mobile electronic apparatus comprises a wireless communication transceiver and an antenna connected to the transceiver, and means for **automatically** transmitting the file from the mobile electronic apparatus through the transceiver and the antenna to a wireless communication network base station. The features of claim 10 are not disclosed or suggested in the art of record. Contrary to the examiner's statements regarding Kahn, Fig. 4 and paragraphs 0132-1036 do not disclose or suggest a wireless communication transceiver and an antenna connected to the transceiver, and means for **automatically** transmitting the file

from the mobile electronic apparatus through the transceiver and the antenna to a wireless communication network base station as recited in claim 10. Paragraph 0128 of Kahn merely describes that the camera is in communication with a PC 42 automatically by the act of attaching it to the recharger 40 via a wireless communication 44. Merely being in communication does not disclose or suggest **automatically transmitting the file** from the mobile electronic apparatus through the transceiver and the antenna to a wireless communication network base station. The features of claim 10 are not disclosed or suggested in Kahn. Therefore, claim 10 is patentable and should be allowed.

Claim 18 has been converted from a dependent claim into an independent claim. In view of section 10 of the office action, claim 18 should now be in condition for allowance.

Claim 19 has been amended from dependent form into independent form. Claim 19 claims that the system for prioritizing comprises a learning algorithm that learns behavior of a user's low prioritization file handling over time, and changes prioritization weights given to predetermined ones of the parameters based upon the learned behavior. The examiner stated that the algorithm in Kahn used for freeing the device memory is capable of learning the user's behavior However, Kahn does not disclose or suggest that its algorithm used for freeing the device memory is capable of learning the user's behavior. The examiner appears to be implying this ability to Kahn's algorithm only after reading applicants' patent application. Paragraphs 0113, 0123 and 0148 of Kahn do not disclose or suggest that its algorithm used for freeing the

device memory is capable of learning the user's behavior. The features of claim 19 are not disclosed or suggested in the cited art. Therefore, claim 19 is patentable and should be allowed.

Claim 26 claims **automatically moving the file** based at least partially upon the prioritizing comprising transferring the file from the mobile electronic apparatus by a wireless communication link. As noted above, paragraph 0128 of Kahn merely describes that the camera is in communication with a PC 42 automatically by the act of attaching it to the recharger 40 via a wireless communication 44. Merely being in communication does not disclose or suggest automatically moving a file as recited in claim 26. The features of claim 26 are not disclosed or suggested in the cited art. Therefore, claim 26 is patentable and should be allowed.

Claim 32 claims that the step of prioritizing the user stored files relative to each other comprises a learning algorithm that learns behavior of a user's low prioritization file handling over time, and changes prioritization weights given to predetermined ones of the parameters based upon the learned behavior. Kahn does not disclose or suggest that its algorithm used for freeing the device memory is capable of learning the user's behavior. The examiner appears to be implying this ability to Kahn's algorithm only after reading applicants' patent application. Paragraphs 0113, 0123 and 0148 of Kahn do not disclose or suggest that its algorithm used for freeing the device memory is capable of learning the user's behavior. The cited art does not disclose or suggest

this feature. Therefore, claim 32 is patentable and should be allowed.

Claim 38 has been cancelled and its features have been added to claim 37. In view of section 10 of the last office action, claim 37, and the claims dependent upon claim 37, should now be in condition for allowance.

Claim 40 has been converted from a dependent claim into an independent claim. In view of section 10 of the office action, claim 40 should now be in condition for allowance.

Claim 41 has been converted from dependent form into independent form. Claim 41 claims that the system for prioritizing comprises a learning algorithm that learns behavior of a user's low prioritization file handling over time, and changes prioritization weights given to predetermined ones of the parameters based upon the learned behavior. The examiner stated that the algorithm in Kahn used for freeing the device memory is capable of learning the user's behavior However, Kahn does not disclose or suggest that its algorithm is a learning algorithm that learns behavior of a user's low prioritization file handling over time, and changes prioritization weights given to predetermined ones of the parameters based upon the learned behavior. The examiner appears to be implying this ability to Kahn's algorithm only after reading applicants' patent application. Paragraphs 0113, 0123 and 0148 of Kahn do not disclose or suggest a learning algorithm that learns behavior of a user's low prioritization file handling over time, and changes prioritization weights given to predetermined ones of

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the parameters based upon the learned behavior. The features of claim 41 are not disclosed or suggested in the cited art. Therefore, claim 41 is patentable and should be allowed.

Claim 47 has been added above to claim the features recited therein.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issue remain, the examiner is invited to call applicants' attorney at the telephone number indicated below.

Respectfully submitted,

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6/6/2006 Clair F. Mann
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